(4)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR(C.G.)

Miscellaneous appeal (S) NO.268/2006.

APPELLANT. Mannu lal Dewangan S/o shri SudhaRam Dewangan, aged about 33 years, residence of Hathnipara Bhatapara, Thana & tahsil Bhatapara, Dist. Raipur (C.G.) (Owner of the C.G.04 C.C.9824 Motor cycle Hiro-Honda-CD, Down)

VERSU

RESPONDENTS.

1. TekRam Dheemar S/o Shri Laxmani Dheemar, aged about 32 years, Resident of Village lavai Thana & Tahsil-Bhatapara Dist. Raipur (C.G.)

(**Driver**).

2. Rohit Dewangan S/o Shri Sudha Ram Dewangan aged about 33 years, residence of Hathnipara Bhatapara, Thana & tahsil Bhatapara, Dist. Raipur (C.G.) (Driver of the C.G.04 C.C.9824 Motor cycle Hiro-Honda-CD, Down)

P.R. No. 29831 dt. 27/9/06
Presented by Shri A.S. Parsai
dated

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT 1988.

(52)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) No. 268/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05/02/2007

Shri R.S. Patel, counsel for the appellant.

Heard on admission.

Heard on I.A. No. 3287/2006, which is an application for exemption from filing typed copy of the impugned award.

Considered and allowed.

This is owner's appeal against the award of compensation of Rs.1,55,000/- by the Additional Motor Accident Claims Tribunal, Bhatapara in Claim Case No.44/2005 vide award dated 30-06-2006.

It is not disputed by the learned counsel for the appellant that the claimant Tekram was a pillion rider on the motor cycle driven by Rohit Dewangan and owned by the appellant and as a result of accident in which the motor cycle turned turtle the appellant received grievous injuries. It is also not disputed that due to injuries suffered by Tekram, his right hand was amputed above the elbow joint.

The only point urged in this appeal is that the compensation awarded by learned Motor Accident Claims Tribunal is excessive and not just and reasonable compensation. It was also urged that the claimant had failed to prove his monthly earning from the S.T.D. P.C.O. and provision stores run by him which were allotted in his wife's name.

Having heard learned counsel for the appellant, I have perused the record. Admittedly, the claimant Tekram suffered 85% permanent disability in the right hand which was amputed above the elbow joint due to the accident which occurred on

(53)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13-03-2005. The claimant was a pillion rider on the motor cycle owned by the appellant herein and driven by respondent No.2 herein and was not insured.

Considering the medical bills for Rs. 18,206/- and continued treatment, the learned M.A.C.T. has awarded a sum of Rs.20,000/- for medical expenses, only Rs.10,000/- was awarded for pain and suffering and Rs.1,20,000/- for loss of earnings. Claimant Tekram was a young man aged 32 years and due to amputation of right hand he suffered permanent disability of 85% and was completely deprived of his earning capacity.

In this view of the matter, I am of the considered opinion that the compensation of Rs.1,50,000/- awarded by the learned M.A.C.T. is just and reasonable compensation which cannot be faulted with. The appeal is devoid of merit and is dismissed at the admission stage.

In view of above, M.(C).P. No. 1752/2006 for stay is dismissed and I.A. No.274/2007 for out of turn listing stand disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge